

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	
Patrick William Kelly	:	Chapter 13
Stephanie Lynn Kelly	:	Case No.: 19-13401-ELF
Debtor(s)	:	

MOTION TO VACATE ORDER GRANTING RELIEF

Debtors, Patrick and Stephanie Kelly, by and through Attorney Brad J. Sadek move this Honorable Court to vacate the July 19, 2021 Order Granting Relief from the Automatic Stay to DLJ Mortgage Capital, Inc. and in support thereof aver the following:

1. The above captioned bankruptcy matter was filed on May 28, 2019.
2. Creditor, DLJ Mortgage Capital, Inc. filed a Motion for Relief of the Automatic Stay on October 8, 2019 in regards to the debtor's property located at 543 Bradfold Avenue Warrington, PA 18976.
3. On February 6, 2020, a Stipulation of Settlement was entered permitting the debtor's post-petition mortgage arrears to be cured through a Modified Chapter 13 Plan. Per the terms of the Stipulation, debtor was to remain current on all post-petition payments due to DLJ Mortgage Capital, Inc. going forward.
4. A Certificate of Default of Stipulation was entered on July 9, 2021 by DLJ Mortgage Capital, Inc.
5. An Order was entered on July 19, 2021 granting relief from the Automatic Stay to DLJ Mortgage Capital, Inc.
6. Debtors remitted a lump sum payment of \$6,627.25 in order to bring the account current to date.

7. Debtors' counsel requests full post-petition accounting for the exact balance necessary to bring the account current.
8. The debtors wish to retain their property located at 543 Bradfold Avenue Warrington, PA 18976 and knows that he must remain current in order to avoid any future attempts by DLJ Mortgage Capital, Inc. to modify the Automatic Stay.

WHEREFORE, Debtor respectfully requests this Honorable Court to vacate the Order Granting Relief from the Automatic Stay in regards to the property located at 543 Bradfold Avenue Warrington, PA 18976.

Respectfully submitted,

/s/ Brad J. Sadek, Esquire

Brad J. Sadek, Esquire
Sadek and Cooper
1315 Walnut Street
Suite 502
Philadelphia, PA 19107

Dated: July 23, 2021